

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

NETLIST, INC.

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD, et al.

Defendants.

Civil Case No. 2:22cv00293-JRG
(Lead Case)

JURY TRIAL DEMANDED

NETLIST, INC.

Plaintiff,

v.

MICRON TECHNOLOGY TEXAS, LLC, et
al.

Defendants.

Civil Case No. 2:22cv-00294-JRG
(Member Case)

JURY TRIAL DEMANDED

**NOTICE OF SUPPLEMENTAL AUTHORITY TO
SAMSUNG'S MOTION TO STAY PENDING
INTER PARTES REVIEWS**

Samsung filed a motion on June 15, 2023 requesting that the Court stay this case pending the resolution of *Inter Partes* review proceedings. Dkt. No. 88. At that time, Samsung had filed petitions for *Inter Partes* reviews on all asserted claims of all asserted patents, other than those barred by intervening rights, as set forth in Samsung's pending motion for summary judgment. Dkt. Nos. 81, 88. Briefing on Samsung's motion for stay pending the resolution of *Inter Partes* reviews was completed on July 17, 2023. Dkt. No. 96. As of the completion of the briefing, the

Patent Trial and Appeal Board (PTAB) had not yet granted institution of *Inter Partes* reviews as to asserted U.S. Patent Nos. 11,093,417 (the '417 patent) and 9,858,215 (the '215 patent). Dkt. No. 88 at 1.

Samsung submits this Notice of Supplemental Authority notifying the Court that the PTAB has now granted institution of *Inter Partes* reviews of all challenged claims as to the asserted '417 and '215 patents. These institution decisions bear on the issues raised in Samsung's pending motion.¹ Dkt. No. 88. For completeness of the record, Samsung hereby attaches copies of the institution decisions as Exhibit A (Decision granting institution of *Inter Partes* review in IPR2023-00454 relating to the '417 patent, served on Aug. 2, 2023) and Exhibit B (Decision granting institution of *Inter Partes* review in IPR2023-00455 relating to the '215 patent, served on Aug. 2, 2023).

Date: August 7, 2023

Respectfully submitted,

/s/ Francis J. Albert

Ruffin B. Cordell
TX Bar No. 04820550
cordell@fr.com
Michael J. McKeon
D.C. Bar No. 459780
mckeon@fr.com
Lauren A. Degnan
D.C. Bar No. 452421
degan@fr.com
Daniel A. Tishman

¹ Also pending before this Court is Samsung's motion to sever and transfer the '912 patent, and stay the remaining patents pending Samsung's Ninth Circuit Appeal. Dkt. 20 at 12-13. As the Court is aware, the Ninth Circuit Appeal will address whether Samsung remains licensed to Netlist's patents. The Ninth Circuit heard the oral argument on Samsung's Appeal on June 8, 2023. (https://www.ca9.uscourts.gov/calendar/monthly_sittings/123939.html). The Samsung-Netlist appeal was argued in a panel along with five other appeals, two of which were consolidated into a single argument. Of the appeals argued before the same panel, the Samsung-Netlist appeal is the only one remaining to be decided.

DC Bar No. 1013923
tishman@fr.com
Brian Livedalen
DC Bar No. 1002699
livedalen@fr.com
FISH & RICHARDSON P.C.
1000 Maine Avenue, SW
Washington, DC 20024
Telephone: (202) 783-5070
Facsimile: (202) 783-2331

Francis J. Albert
CA Bar No. 247741
albert@fr.com
FISH & RICHARDSON P.C.
12860 El Camino Real, Ste. 400
San Diego, CA 92130
Telephone: (858) 678-5070
Facsimile: (858) 678-5099

Katherine H. Reardon
NY Bar No. 5196910
kreardon@fr.com
FISH & RICHARDSON P.C.
1180 Peachtree St., NE, 21st Floor
Atlanta, GA 30309
Telephone: (404) 892-5005
Facsimile: (404) 892-5002

Kathryn Quisenberry
TX Bar No. 24105639
quisenberry@fr.com
FISH & RICHARDSON P.C.
909 Fannin Street Suite 2100
Houston, TX 77010
Telephone: (713) 654-5300

Melissa Richards Smith
melissa@gillamsmith.com
GILLAM & SMITH, LLP
303 South Washington Ave.
Marshall, Texas 75670
Telephone: (903) 934-8450
Facsimile: (903) 934-9257

Brian R. Nester
DC Bar No. 460225
bnester@cov.com
COVINGTON & BURLING LLP
One CityCenter 850 Tenth Street, N
Washington, DC 20001-4956
Telephone: (202)-662-6000

Alice J. Ahn
CA Bar No. 271399/DC Bar No. 1004350
aahn@cov.com
COVINGTON & BURLING LLP
415 Mission Street, Suite 5400
San Francisco, CA 94105
Telephone: (415) 591-7091
Facsimile: (415) 955-6571

*Attorneys for Defendants Samsung Electronics
Co., Ltd.; Samsung Electronics America, Inc.;
and Samsung Semiconductor, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was filed electronically in compliance with Local Rule CV-5 on August 7, 2023. As of this date, all counsel of record have consented to electronic service and are being served with a copy of this document through the Court's CM/ECF system under Local Rule CV-5(a)(3)(A).

/s/ Francis J. Albert